



Akwé: Kon operating model's application in the cooperation between Metsähallitus and the Sámi Parliament

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Jointly prepared and approved by Metsähallitus and the Sámi Parliament:
Akwé: Kon operating model

Cover Photo: Joenkielinen resting place in the Lemmenjoki National Park.
Photo: Tuija Kangasniemi / Metsähallitus.

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1 Convention on Biological Diversity and traditional Sámi knowledge

Finland ratified the Convention on Biological Diversity in 1994.¹ The purpose of the Convention is to safeguard the preservation of biodiversity, the sustainable use of natural resources, and the fair and equitable distribution of the benefits derived from the use of genetic resources.² The Convention recognises the close and traditional dependence of indigenous peoples on biological resources and the importance of indigenous knowledge for the protection of biodiversity. In particular, Articles 8(j) and 10(c) deal with traditional knowledge, practices and innovations of indigenous peoples:

8(j): Each Contracting Party shall, subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices

10(c): Each Contracting Party shall protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

In Finland, the articles on indigenous peoples and local communities apply to the Sámi. The Convention obliges Finland to safeguard the traditional knowledge, practices and innovations of the Sámi people in relation to biodiversity, and the preservation of the traditional uses of nature of the Sámi.

In established case law, reindeer husbandry, fishing, hunting, gathering and Sámi handicrafts (duodji) are considered traditional livelihoods of the Sámi. The Sámi knowledge of biodiversity is practical in nature and particularly visible in the Sámi language, relationship with the environment and livelihoods.³ The Article 8(j) working group has prepared a general definition of the traditional knowledge of the Sámi related to the biodiversity: "The traditional knowledge of the Sámi related to biodiversity is manifested in use of nature by the Sámi and the practice of traditional Sámi livelihoods, i.e. reindeer husbandry, fishing, hunting, collecting and handicrafts as well as in the relationship with nature. Information is conveyed through the terminology of the Sámi language related to nature, terrain, weather, reindeer husbandry, handicrafts, hunting and fishing as well as in Sámi-language place names. Traditional knowledge is obtained through conscious teaching, models, joik songs and oral narrative traditions passed down from older generations, as well as reindeer husbandry, fishing, gathering, crafts and hunting practices." The traditional use of nature by the Sámi is based on the Sámi values, social system and customary law. The use of nature is different in different Sámi livelihoods. The use of nature also depends on geographical and natural conditions.⁴

¹ Convention on Biological Diversity 1992, entered into force in Finland in 1994 (SopS 78/1994)

² Pursuant to Article 1 of the Convention, this also includes appropriate access to genetic material and the transfer of relevant technology, taking into account all rights of that material and technology, as well as appropriate funding.

³ The current situation of traditional Sámi livelihoods in Finland - Background to the monitoring indicators of the Convention on Biological Diversity. Sámi Parliament 2017.

⁴ Article 8j of the Convention on Biological Diversity, Final Report of the National Expert Working Group on the Traditional Knowledge of Indigenous Peoples.

The voluntary Akwé: Kon guidelines were approved at the Seventh Conference of the Parties to the Convention on Biological Diversity. The guidelines are part of the implementation of the Convention on Biological Diversity. The purpose of the Akwé: Kon guidelines is to safeguard the preservation of biodiversity, the relationship of indigenous peoples with nature, and traditional knowledge as well as to ensure the full participation of indigenous peoples in all phases of the projects and plans relevant to them, including their preparation, impact assessment, decision-making, implementation and monitoring. The Akwé: Kon guidelines are a procedure that should be followed in relation to national legislation, in a manner consistent with international law and other international obligations and which suits the conditions of the area, and in such a way that biodiversity is not endangered.

In Finland, the Akwé: Kon guidelines are intended for use when assessing the cultural, environmental and social impacts of projects and plans in the Sámi Homeland that may affect the Sámi culture, livelihoods and cultural heritage. The Akwé: Kon guidelines can significantly contribute to the achievement of the objectives of the Convention on Biological Diversity, as the indigenous people can participate in all phases of projects or plans that concern or affect them, thus enabling traditional knowledge, innovations and practices to be integrated into the planning process and the adverse impacts of projects and plans on the indigenous people to be duly identified and taken into account in decision-making.

2 Akwé: Kon guidelines and their application by Metsähallitus

In Metsähallitus' operations, Akwé: Kon guidelines are best suited for land use planning processes. Such processes include the preparation of management plans for wilderness areas and nature reserves and natural resource plans.

The Akwé: Kon procedure has been applied to the management plans for wilderness areas (Hammastunturi, Käsivarsi, Pulju, Vätsäri), national parks (Urho Kekkonen National Park) and strict nature reserves (Kevo, Malla, Sompio) that have been drawn up or updated after the introduction of the operating model. Metsätalous Ltd has used the Akwé: Kon procedure in the planning of the Juutua-Tuulispää special area.

Agreed between Metsähallitus and the Sámi Parliament, the Akwé: Kon operating model has been found to improve planning and the related assessment of impacts on the preconditions for practising the Sámi culture. It is possible to reduce negative impacts by following the guidelines.

Impact assessment becomes part of planning, and impacts on the Sámi culture can be assessed more accurately and reliably. Necessary

changes can be made to the plan at different stages of the planning process. The explanatory memorandum of the Act on Metsähallitus refers to the general social obligations imposed on Metsähallitus' business operations so that the impacts of the natural resource plan on the prerequisites for the practice of the Sámi culture are assessed when preparing the plan. This cultural impact assessment is carried out jointly by Metsähallitus and the Sámi Parliament in accordance with the Akwé: Kon operating model. Metsähallitus produces descriptions of the current status of land use on state-owned land, natural and cultural heritage sites and Metsähallitus' operations. The Akwé: Kon group evaluates the plan throughout the process and expresses views on the prerequisites for practising the Sámi culture in relation to the content of the plan.

By a joint decision of Metsähallitus, the Sámi Parliament, and the Skolt Saami Village Committee in the Skolt area, the Akwé: Kon operating model may also be used in individual projects on special sites which have a significant impact on the preconditions for practising the Sámi culture.

3 Akwé: Kon operating model

3.1 Using the operating model

In the Akwé: Kon process, the Sámi are represented by the Sámi Parliament and, in the Skolt Sámi area, by the Skolt Saami Village Committee in addition to the Sámi Parliament. The Akwé: Kon guidelines can be applied at different stages of the process to identify and react to issues that are important for preserving the Sámi culture and to the concerns of the Sámi people. The procedure is a tool for identifying the prerequisites for practising the Sámi culture that Metsähallitus should take into consideration when planning the use of land and natural resources.

In case of a small-scale update of any of the aforementioned plans, Metsähallitus and the Sámi Parliament may jointly agree that the Akwé: Kon guidelines will not be applied in the project. In the Skolt Sámi area, the matter is also agreed upon with the Skolt Saami Village Committee.

Metsähallitus benefits from planning processes that follow the Akwé: Kon guidelines. Interaction with Metsähallitus and the operators in the area increases during working group work. The Akwé: Kon working group complements Metsähallitus' participatory land use planning system. The aim of the operating model is to safeguard the prerequisites for the practice of the Sámi culture in the plan.

The Akwé: Kon operating model makes it possible to make necessary changes to the plan at different stages of the planning process. Regarding impacts on the Sámi culture, the impact assessment is carried out by those who use the area, which improves its reliability. In terms of impact assessment and the accuracy of the plan, it is important that the working group also meets to assess the feedback received during the consultation round and the impact of the feedback on the plan. The group presents justified assessments of whether the measures have an impact on the practice of the Sámi culture and, at the same time, the group expresses their opinion on solutions that reduce or eliminate the impacts. If Metsähallitus does not consider that it can carry out the desired changes in full or in part, Metsähallitus always records the justifications in the plan (or a separate appendix).

The application of the Akwé: Kon guidelines does not remove the statutory obligation to negotiate in significant and wide-ranging matters under section 9 of the Act on the Sámi Parliament. In its work, Metsähallitus also strives for otherwise active communication and cooperation with the Sámi Parliament, the Skolt Saami Village Committee and other Sámi actors. Any planning projects initiated by Metsähallitus are negotiated with the Sámi Parliament and in the Skolt area, with the Skolt Saami Village Committee, before the project is launched. If, for example, the management plans drawn up for national parks leave significant issues related to Sámi culture to be outlined in the nature tourism plans, the plan will be negotiated with the Sámi Parliament and, if necessary, the Skolt Saami Village Committee.

3.2 Consultation

Consultations are arranged when the need for planning arises. During the consultation, the Sámi Parliament, the Skolt Saami Village Committee and Metsähallitus also agreed on the objectives of the activities, the content of the Akwé: Kon process and launching it as well as the resources reserved for the Akwé: Kon process and the schedule set for the work, which can be specified as the work progresses if necessary. During the consultation phase, reports to support planning are also agreed upon. For the purposes of the consultation, Metsähallitus will provide the participants with information on key planning issues and proposals on resources and schedules. Minutes of the consultation are drawn up, indicating what matters have been agreed on, what is still being negotiated, and what solutions cannot be agreed on, among other issues.

3.3 Appointing the Akwé: Kon working group

If it is agreed in the consultation phase that the jointly agreed Akwé: Kon operating model will be used between Metsähallitus and the Sámi Parliament, Metsähallitus asks the Sámi Parliament to appoint an Akwé: Kon working group. 4-7 persons, including the chair, are selected for the working group.

The Sámi Parliament appoints and decides on the size, members and chair of the Akwé: Kon working group after consulting the Sámi living in the relevant area. In the Skolt area, the Skolt Saami Village Committee decides half of the representatives and the Sámi Parliament decides half. The geographical scope of the plan, the diversity of the Sámi culture in the region and the extent and significance of possible impacts on the Sámi culture must be taken into account when deciding on the number of members of the working group.

In the appointment process, the Sámi Parliament and the Skolt Saami Village Committee take the following into account:

- Sámi users of the area whose interests the plan is likely to affect are selected to the Akwé: Kon working group, including men and women as well as representatives of different generations. All those selected for the working group must be holders of traditional Sámi knowledge in the area, so that traditional knowledge, innovations and practices related to biodiversity and its sustainable utilisation can be taken into account at all stages of planning.
- The expertise, interest and ability to commit to the work of the Akwé: Kon working group must be ensured from potential members and the rapporteur in advance.

Initial training is organised for the group at the beginning of the work on the role and tasks of the Akwé: Kon working group, the expectations set for the work as well as the realised, pending and future Akwé: Kon processes, administrative process of plans/projects, methods of collecting traditional knowledge, and impact assessment.

The Sámi Parliament and Metsähallitus aim to train rapporteurs in different parts of the Sámi Homeland who are familiar with the Akwé: Kon operating model and who are potential rapporteurs of future Akwé: Kon processes.

3.4 Tasks of the Akwé: Kon working group

The aim of the working group is, above all, to safeguard the preservation of traditional knowledge, practices and innovations tied to the Sámi nature and the preservation of traditional natural practices. Working group work takes the needs of different age groups and genders into account in the plans.

The Akwé: Kon working group is independent and operates autonomously, participating in all phases of the plan according to the Akwé: Kon guidelines. The Akwé: Kon working group reports directly to Metsähallitus and the Sámi Parliament, as well as to the Skolt Saami Village Committee in the Skolt Sámi area.

The purpose of the working group's work is to obtain basic information for the plan on the traditional use of the area, habitats and areas that are important for Sámi culture and livelihoods, cultural heritage and species that must be fostered or protected in particular. The working group makes proposals for safeguarding biodiversity and traditional knowledge and use of nature by the Sámi people and presents its own views on how the management and use of the areas should be developed. The working group prepares a description of the current state of the area in terms of Sámi culture, traditional knowledge and traditional natural use, and assesses the impacts of the plan in this respect.

The working group participates interactively in the evaluation of the impacts of the plan on the preconditions for practising the Sámi culture throughout the process. In this context, the working group reflects on and presents its views on how negative impacts on the Sámi culture can be mitigated and how positive impacts support the practice of the Sámi culture. The working group participates in planning the monitoring of the implementation of the plans.

At the end of the planning process, the Akwé: Kon working group holds a meeting with Metsähallitus to discuss the impacts of the working group's proposal on the final approved plan and to justify the points in which the group's views could not be taken into account.

3.5 Chair of the Akwé: Kon working group

The Chair of the Akwé: Kon working group coordinates external communications with the working group's rapporteur and represents the working group in the cooperation group and in other co-operation with Metsähallitus and the Sámi Parliament.

The Chair leads and convenes the Akwé: Kon working group meetings together with the rapporteur.

3.6 The rapporteur of the Akwé: Kon working group

On the proposal of the Sámi Parliament, Metsähallitus appoints a rapporteur for the group, who is also the secretary of the working group. The opinion of the Akwé: Kon working group must be considered in the selection of the rapporteur and ensure that potential disqualification of the rapporteur does not cause a conflict in the work of the working group. The work of the rapporteur relies on the views of the Akwé: Kon working group. The rapporteur participates in the meetings of the Akwé: Kon working group and the cooperation group. In the selection of the rapporteur, knowledge of traditional knowledge, Sámi language skills, familiarity with the Akwé: Kon operating model and reporting and interaction skills are considered beneficial.

3.7 Metsähallitus planner

The task of the Metsähallitus planner is to produce and compile materials for the working group based on the needs of the working group together with other experts from Metsähallitus. The Metsähallitus planner participates in the Akwé: Kon working group's meetings according to the working group's wishes. When appointing the planner, it must be ensured that the person's potential disqualification does not cause a conflict in the work of the working group.

3.8 Choosing the language

The working group chooses the language it uses in its work, taking into account the Sámi Language Act. Members of the group have the right to use an interpreter regardless of their choice of language. The documents related to the work are prepared in Finnish, but the necessary Sámi versions are translated from them.

3.9 Resources

Metsähallitus assigns the Akwé: Kon working group resources to participate in the the Akwé: Kon process. In practice, this means reimbursement of travel expenses and loss of income for the members of the working group as well as an attendance fee. Members' expenses are reimbursed according to the same remuneration principles used by the Sámi Parliament in its shop steward activities. Metsähallitus is responsible for the costs of interpreting and translating the plans and the costs of communications.

As a rule, the working group works and holds meetings in Metsähallitus' locations or other suitable meeting places in the Sámi Homeland with regard to the best transport connections for the participating members, taking into account the target area of the planning. As a rule, the costs for travel within the Sámi Homeland are reimbursed. Travel expenses from outside the Homeland are only reimbursed in exceptional circumstances, for example if a member of the working group is studying and as a result of this living outside the Homeland. Cultural links with the area and the views of the Sámi community in the area in question are taken into account in particular. Reimbursement of costs is agreed separately if the working group wishes to hold an individual meeting significantly outside the Sámi area for a justified reason.

Metsähallitus is responsible for the remuneration of the rapporteur of the Akwé: Kon working group, which is based on meetings and the time spent preparing the meetings and the material produced. The remuneration includes the preparation of the meeting, the preparatory work carried out between the meetings, the preparation of the minutes of the meeting and the finalisation of the material needed after the meeting. The amount of the rapporteur's planned work input and its reimbursement will be agreed upon in the consultation phase.

3.10 Communication and interaction

Metsähallitus will establish an Akwé: Kon page on its website. The website will contain completed and ongoing Akwé: Kon processes, including the proposals by the Akwé: Kon working groups with realised plans and the impacts of proposals on plans. In addition, working groups and the status of ongoing processes will be available on the page. The page also presents the planning situation and ongoing plans as a map view. The page enables the real-time communication of the Akwé: Kon working group.

The external communications of the Akwé: Kon working group are coordinated by the group Chair together with the rapporteur.

Projects are communicated to relevant parties who are included in the preparation of the plan at all stages of the process. The representatives of the indigenous people are also given the opportunity to express their views in writing. Communications take into account, for example, Internet, social media, radio and hearings. Communication is also carried out in the Sámi language.

The Akwé: Kon working group is also provided with an opportunity to organise hearings for the Sámi in the planning or project area (incl. a workshop) to the extent agreed in the consultation, to provide information on their work separately, and to collect feedback on impact assessments and the proposals and views they have made. Metsähallitus assists in these tasks if necessary.

Metsähallitus is responsible for the costs of communications, hearings and inclusion of different parties.

4 The publicity, archiving and further use of Akwé: Kon working groups' material

The minutes of the Akwé: Kon working group become public documents once the plan has been approved and they are entered into Metsähallitus' case management system. The Akwé: Kon working group may define the retention of material related to traditional information that is not included in public

protocols. The Akwé: Kon working group together with the Sámi Parliament and, if necessary, the Skolt Saami Village Committee, agrees on the use and storage of non-public material. The Akwé: Kon working group prepares a final report on which a public summary is prepared.

5 Monitoring of implementation of plans and related projects

The Sámi Parliament and Metsähallitus, as well as the Skolt Saami Village Committee in the Skolt area, meet every two years or more often if necessary to assess the implementation of the plans and related projects. Reindeer herding cooperatives in the Sámi Homeland can participate in the monitoring process if they so wish. If more detailed monitoring of an individual plan is considered necessary at this meeting, a separate meeting will be organised for the plan in question, in which further measures will be agreed upon.

If negative impacts on the Sámi culture are observed during the implementation of the projects or plans, which could not be taken into account during the preparation of the plans, the

above-mentioned parties will meet to agree on the necessary measures. The aforementioned parties may also jointly agree whether the plan should be reviewed in some respects or updated in its entirety if the situation has changed from the time of the original drafting of the plan. The agendas of the meetings shall be prepared jointly and minutes of the meetings shall be drawn up.

The Sámi Parliament and Metsähallitus will inform the national 8j working group as part of the implementation of the obligations of the Convention on Biological Diversity. The working group receives the reports on confirmed plans by the Akwé: Kon groups.

6 Monitoring and development of the operating model

The Sámi Parliament, Metsähallitus and the Skolt Saami Village Committee monitor the functioning and implementation of the operating model together and make an interim assessment of it every five years, or more often if necessary. If necessary, the operating model will be developed to the extent deemed necessary.

Metsähallitus, the Sámi Parliament and the Skolt Saami Village Committee aim to promote the introduction of the Akwé: Kon procedure in land use planning processes targeted at state-owned land under the responsibility of other actors.